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S.B. No. 40

A BILL TO BE ENTITLED

AN ACT

relating to locations, terms, sessions, and procedures for conducting court proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.0035(b), Government Code, is amended to read as follows:

(b) Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 90 [~~30~~] days from the date the order was signed unless renewed by the chief justice of the supreme court.

SECTION 2. Section 24.012(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsections (a-1) and (a-2) and Section 24.0125, notwithstanding any other law, each district court holds in each county in the judicial district terms that commence on the first Mondays in January and July of each year. To the extent of a conflict between this subsection and a specific provision relating to a particular judicial district, this section controls.

SECTION 3. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.0125 to read as follows:

Sec. 24.0125. TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS. Notwithstanding any other law, if a disaster, as

1 defined by Section 418.004, precludes a district court from holding  
2 its judicial district terms in accordance with Section 24.012, the  
3 presiding judge of the administrative judicial region, with the  
4 approval of the judge of the affected district court, may designate  
5 the terms and sessions of court.

6 SECTION 4. Section 24.033(b), Government Code, is amended  
7 to read as follows:

8 (b) Notwithstanding any other law, if a disaster, as defined  
9 by Section 418.004, [~~occurs in a first tier coastal county or a~~  
10 ~~second tier coastal county that~~] precludes a district court from  
11 conducting its proceedings at the county seat of that county, the  
12 presiding judge of the administrative judicial region, with the  
13 approval of the judge of the affected district court, may designate  
14 for the proceedings an alternate location:

- 15 (1) in the judicial district of the affected court; or  
16 (2) outside the judicial district at the location the  
17 presiding judge determines is closest in proximity to the county  
18 seat that allows [at which] the court to safely and practicably  
19 [may] conduct its proceedings, provided the presiding judge of the  
20 administrative judicial region for the designated location  
21 approves if that presiding judge is not the presiding judge making  
22 the designation.

23 SECTION 5. Section 25.0016, Government Code, is amended to  
24 read as follows:

25 Sec. 25.0016. TERMS OF COURT; TERMS AND SESSIONS OF COURT  
26 FOLLOWING CERTAIN DISASTERS. (a) The commissioners court, by  
27 order, shall set at least two terms a year for the statutory county

1 court.

2 (b) Notwithstanding any other law, if a disaster, as defined  
3 by Section 418.004, precludes a statutory county court from holding  
4 its terms in accordance with the order of the commissioners court,  
5 the presiding judge of the administrative judicial region, with the  
6 approval of the judge of the affected statutory county court, may  
7 designate the terms and sessions of court.

8 SECTION 6. Section 25.0019(b), Government Code, is amended  
9 to read as follows:

10 (b) Notwithstanding any other law, including a specific  
11 provision in this chapter for a particular court or county that  
12 requires a statutory county court to conduct its proceedings at the  
13 county seat, if a disaster, as defined by Section 418.004, [~~occurs~~  
14 ~~in a first tier coastal county or a second tier coastal county that~~]  
15 precludes a statutory county court in that county from conducting  
16 its proceedings at the county seat, the presiding judge of the  
17 administrative judicial region, with the approval of the judge of  
18 the affected statutory county court, may designate for the  
19 proceedings an alternate location:

20 (1) in the county; or

21 (2) outside the county at the location the presiding  
22 judge determines is closest in proximity to the county seat that  
23 allows [at which] the court to safely and practicably [may] conduct  
24 its proceedings, provided the presiding judge of the administrative  
25 judicial region for the designated location approves if that  
26 presiding judge is not the presiding judge making the designation.

27 SECTION 7. Section 25.0032(b), Government Code, is amended

1 to read as follows:

2 (b) Notwithstanding any other law, including a specific  
3 provision in this chapter for a particular court or county that  
4 requires a statutory probate court to conduct its proceedings at  
5 the county seat, if a disaster, as defined by Section 418.004,  
6 ~~[occurs in a first tier coastal county or a second tier coastal~~  
7 ~~county that]~~ precludes a statutory probate court in that county  
8 from conducting its proceedings at the county seat, the presiding  
9 judge of the statutory probate courts, with the approval of the  
10 judge of the affected statutory probate court, may designate for  
11 the proceedings an alternate location:

- 12 (1) in the county; or  
13 (2) outside the county at the location the presiding  
14 judge of the statutory probate courts determines is closest in  
15 proximity to the county seat that allows [at which] the court to  
16 safely and practicably [may] conduct its proceedings, provided the  
17 presiding judge of the administrative judicial region for the  
18 designated location approves.

19 SECTION 8. Section 25.0035, Government Code, is amended to  
20 read as follows:

21 Sec. 25.0035. TERMS OF COURT; TERMS AND SESSIONS OF COURT  
22 FOLLOWING CERTAIN DISASTERS. (a) The commissioners court, by  
23 order, shall set at least two terms a year for the statutory probate  
24 court.

25 (b) Notwithstanding any other law, if a disaster, as defined  
26 by Section 418.004, precludes a statutory probate court from  
27 holding its terms in accordance with the order of the commissioners

1 court, the presiding judge of the statutory probate courts, with  
2 the approval of the judge of the affected statutory probate court,  
3 may designate the terms and sessions of court.

4 SECTION 9. The heading to Section 26.002, Government Code,  
5 is amended to read as follows:

6 Sec. 26.002. TERMS; TERMS AND SESSIONS OF COURT FOLLOWING  
7 CERTAIN DISASTERS.

8 SECTION 10. Section 26.002, Government Code, is amended by  
9 amending Subsection (a) and adding Subsection (b-1) to read as  
10 follows:

11 (a) By order entered on its records, the commissioners court  
12 subject to Subsection (b-1) may fix the number of court terms, may  
13 set the times at which the terms shall be held, including the four  
14 terms required by the constitution, and may set the length of each  
15 term.

16 (b-1) Notwithstanding any other law, if a disaster, as  
17 defined by Section 418.004, precludes a county court from holding  
18 its terms in accordance with the order of the commissioners court,  
19 the presiding judge of the administrative judicial region, with the  
20 approval of the county judge, may designate the terms and sessions  
21 of court.

22 SECTION 11. Section 26.009(b), Government Code, is amended  
23 to read as follows:

24 (b) Notwithstanding any other law, including Section  
25 26.002(c), if a disaster, as defined by Section 418.004, [~~occurs in~~  
26 ~~a first tier coastal county or a second tier coastal county that~~]  
27 precludes the county court from conducting its proceedings at the

1 county seat, the presiding judge of the administrative judicial  
2 region, with the approval of the judge of the affected county court,  
3 may designate for the proceedings an alternate location:

4 (1) in the county; or

5 (2) outside the county at the location the presiding  
6 judge determines is closest in proximity to the county seat that  
7 allows [at which] the court to safely and practicably [may] conduct  
8 its proceedings, provided the presiding judge of the administrative  
9 judicial region for the designated location approves if that  
10 presiding judge is not the presiding judge making the designation.

11 SECTION 12. Subchapter C, Chapter 27, Government Code, is  
12 amended by adding Section 27.0515 to read as follows:

13 Sec. 27.0515. LOCATION FOR COURT PROCEEDINGS AND TERMS AND  
14 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

15 (a) Notwithstanding any other law, if a disaster, as defined by  
16 Section 418.004, precludes a justice court from conducting its  
17 proceedings at a location in the court's precinct or in the county  
18 seat of that county, the presiding judge of the administrative  
19 judicial region in which the county is located, with the approval of  
20 the justice of the affected justice court, may designate for the  
21 proceedings an alternate location:

22 (1) in the county; or

23 (2) outside the county at the location the presiding  
24 judge determines is closest in proximity to the court's precinct  
25 that allows the court to safely and practicably conduct its  
26 proceedings, provided the presiding judge of the administrative  
27 judicial region for the designated location approves if that

1 presiding judge is not the presiding judge making the designation.

2 (b) Notwithstanding any other law, if a disaster, as defined  
3 by Section 418.004, precludes a justice court from holding its  
4 terms in accordance with the times prescribed by the commissioners  
5 court, the presiding judge of the administrative judicial region,  
6 with the approval of the justice of the affected justice court, may  
7 designate the terms and sessions of court.

8 SECTION 13. Subchapter A, Chapter 29, Government Code, is  
9 amended by adding Section 29.015 to read as follows:

10 Sec. 29.015. LOCATION FOR COURT PROCEEDINGS AND TERMS AND  
11 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

12 (a) Notwithstanding any other law, if a disaster, as defined by  
13 Section 418.004, precludes a municipal court from conducting its  
14 proceedings at the location assigned for the proceedings, the  
15 presiding judge of the administrative judicial region, with the  
16 approval of the judge of the affected municipal court, may  
17 designate for the proceedings an alternate location:

18 (1) in the corporate limits of the municipality; or

19 (2) outside the corporate limits of the municipality  
20 at the location the presiding judge determines is closest in  
21 proximity to the municipality that allows the court to safely and  
22 practicably conduct its proceedings, provided the presiding judge  
23 of the administrative judicial region for the designated location  
24 approves if that presiding judge is not the presiding judge making  
25 the designation.

26 (b) Notwithstanding any other law, if a disaster, as defined  
27 by Section 418.004, precludes a municipal court from holding its

1 terms, the presiding judge of the administrative judicial region,  
2 with the approval of the judge of the affected municipal court, may  
3 designate the terms and sessions of court.

4 SECTION 14. Subchapter A, Chapter 30, Government Code, is  
5 amended by adding Section 30.000123 to read as follows:

6 Sec. 30.000123. LOCATION OF COURT PROCEEDINGS AND TERMS AND  
7 SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

8 (a) Notwithstanding any other law, if a disaster, as defined by  
9 Section 418.004, precludes a municipal court of record from  
10 conducting its proceedings at the location assigned for the  
11 proceedings, the presiding judge of the administrative judicial  
12 region, with the approval of the judge of the affected municipal  
13 court of record, may designate for the proceedings an alternate  
14 location:

- 15 (1) in the corporate limits of the municipality; or  
16 (2) outside the corporate limits of the municipality  
17 at the location the presiding judge determines is closest in  
18 proximity to the municipality that allows the court to safely and  
19 practicably conduct its proceedings, provided the presiding judge  
20 of the administrative judicial region for the designated location  
21 approves if that presiding judge is not the presiding judge making  
22 the designation.

23 (b) Notwithstanding any other law, if a disaster, as defined  
24 by Section 418.004, precludes a municipal court of record from  
25 holding its terms, the presiding judge of the administrative  
26 judicial region, with the approval of the judge of the affected  
27 municipal court of record, may designate the terms and sessions of



1 court.

2 SECTION 15. Sections 292.001(b) and (d), Local Government  
3 Code, are amended to read as follows:

4 (b) Except as provided by this subsection and to the extent  
5 permitted under other law, the [The] building or rooms must be  
6 located in the county seat. If [However, if] the building or rooms  
7 are for housing a county or district court in buildings or rooms  
8 designated for that purpose, or for housing county jail facilities,  
9 the building or rooms may be located anywhere in the county at the  
10 discretion of the commissioners court.

11 (d) A justice of the peace court may not be housed or  
12 conducted in a building located outside the court's precinct except  
13 as provided by Section 27.051(f) or 27.0515, Government Code, or  
14 unless the justice of the peace court is situated in the county  
15 courthouse in a county with a population of at least 275,000 persons  
16 but no more than 285,000 persons.

17 SECTION 16. Section 292.002(a), Local Government Code, is  
18 amended to read as follows:

19 (a) The commissioners court of a county may provide an  
20 office building or a jail facility at a location in the county  
21 outside the county seat in the same manner that is applicable to  
22 such a building or facility at the county seat. The commissioners  
23 court may provide for the building or facility through the issuance  
24 of bonds as provided by Subtitles A, C, and D, Title 9, Government  
25 Code, or through the issuance of other evidences of indebtedness in  
26 the same manner as bonds or evidences of indebtedness applicable to  
27 a courthouse or jail at the county seat. The commissioners court

1 may provide office space in the building or facility for any county  
2 or precinct office [~~except a court required by law to sit at the~~  
3 ~~county seat~~]. However, a county officer who is provided space in  
4 the building or facility shall maintain an office at the county seat  
5 and shall keep the original records of office at that office unless  
6 otherwise required during a disaster, as defined by Section  
7 418.004, Government Code.

8 SECTION 17. Sections 24.033(a), 25.0019(a), 25.0032(a),  
9 and 26.009(a), Government Code, are repealed.

10 SECTION 18. This Act takes effect immediately if it  
11 receives a vote of two-thirds of all the members elected to each  
12 house, as provided by Section 39, Article III, Texas Constitution.  
13 If this Act does not receive the vote necessary for immediate  
14 effect, this Act takes effect September 1, 2019.